

Local Law FilingNEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET  
ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended, Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City of

Town

Village

POMONA

Local Law No. 5 of the year 2004

A local law

A LOCAL LAW AMENDING THE ZONING  
LAW OF THE VILLAGE OF POMONA IN  
RELATION TO SCHOOLSBe it enacted by the BOARD OF TRUSTEES of theCounty

City of

ROCKLAND

as follows:

Section 1. Section 130-4 of the Code of the Village of Pomona is hereby amended by deleting the definition of the word "SCHOOL" and amending the definition of the words "EDUCATIONAL INSTITUTION" to read as follows:

EDUCATIONAL INSTITUTION - Any private or religious elementary, junior high or high school, college, graduate or post graduate school conducting a full time curriculum of instruction a minimum of five days per week for seven months per year and accredited by the New York State Education Department or similar recognized accrediting agency.

Section 2. Section 130-4 of such Code is hereby amended by adding thereto a new definition, to be "DORMITORY", to be added after the definition of "DIMENSIONAL NONCONFORMITY", to read as follows:

DORMITORY - A building that is operated by a school located on the same lot and which contains private or semi-private rooms which open to a common hallway, which rooms are sleeping quarters for administrative staff, faculty or students. Communal dining, cooking, laundry, lounge and recreation facilities may be provided. Dormitory rooms shall not contain separate cooking, dining or housekeeping facilities except that one dwelling unit with complete housekeeping facilities may be provided for use of a Superintendent or supervisory staff for every fifty dormitory rooms. Not more than one communal dining room shall be provided in any building used for dormitory purposes. Single family, two-family and/or multi-family dwelling units other than as described above shall not be considered to be dormitories or part of dormitories.

DEFENDANTS' EXHIBIT  
Tartikov, et al. v.  
Pomona, et al.

1011

7:07-cv-06304 (KMK)

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Section 3: The initial paragraph of subdivision F of Section 130-10 of such Code is hereby amended to read as follows:

F. Educational institutions, as defined in Sec. 130-4 of this Chapter, subject to special permit approval by the Village Board of Trustees and site plan approval by the Planning Board. In addition to all other requirements of this Code for special permit and site plan approval, the following standards and requirements shall apply:

Section 4. Subparagraph (a) of paragraph (1) of subdivision F of Section 130-10 of such Code is hereby amended to read as follows:

(a) The minimum lot area for an educational institution shall be 10 acres.

Section 5. Paragraphs (3) and (4) of subdivision F of Section 130-10 of such Code are hereby amended to read as follows:

- (3) Required road frontage and access. An educational institution shall have a minimum of 250 feet frontage on a public road and shall provide sufficient and safe access to such public road.
- (4) Required setbacks and screening. All buildings, recreation areas, parking areas and other property uses and structures shall be set back a minimum of 125 feet from each property line. Such setback shall include a buffer area of a minimum of 35 feet in width consisting of trees, shrubs, plants, fencing and/or other materials as determined by the Planning Board to be sufficient to screen the educational use from adjoining uses and streets.

## 5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

## 6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.

*[Signature]*  
Clerk of the county legislative body, City, Town or Village, or  
officer designated by local legislative body

Date: 9/27/04

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF \_\_\_\_\_

Rockland

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*[Signature]*  
Signature

Title

Village attorney

County

City of Pomona

Town

Village

Date: 9/27/04



Section 6. Paragraphs (9) and (10) of subdivision F are hereby deleted and new paragraphs (9), (10), (11), (12) and ~~(13)~~ are hereby added, to read as follows:

- (9) The Board of Trustees may impose such restrictions and regulations which would avoid or minimize traffic hazards, impairment of the use, enjoyment or value of property in the surrounding area, or generally protect the health, safety and welfare of the neighborhood and to otherwise implement the purpose and intent of this Chapter.
- (10) The location and size of the use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith shall not be hazardous.
- (11) The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the development and use of adjacent land and buildings.
- (12) A dormitory is permitted as an accessory use to an educational use and there shall be not more than one dormitory building on a lot.
  - (a) The minimum distance between a dormitory and any other principal building or structure on the lot shall be 50 feet.
  - (b) The minimum distance between a dormitory and any interior driveway or other accessory structure shall be 25 feet.
  - (c) The maximum height of a dormitory shall be two stories or 25 feet, whichever is less.
  - (d) No dormitory room or dwelling unit shall be permitted in any cellar.
  - (e) The dormitory shall be equipped with sprinkler and fire alarm systems and shall comply with all requirements of the New York State Fire Prevention and Building Code.

Section 7. This local law shall take effect 10 days after publication, posting and filing with the Secretary of State.